

AMENDED IN SENATE MAY 2, 2006
AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1562

Introduced by Senator Maldonado

February 23, 2006

An act to amend Section 4750 ~~and of, and to~~ add Section 4758 to, the Penal Code, and *to* amend Section 4117 of the Welfare and Institutions Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SB 1562, as amended, Maldonado. Inmates: ~~Atascadero State Hospital~~ *Hospitals*: reimbursement of costs.

Existing law provides that a city, county, or superior court shall be entitled to reimbursement for reasonable and necessary costs connected with state prisons or prisoners in connection with any crime committed at a state prison, whether by a prisoner, employee, or other person.

This bill would provide that a city, county, or superior court shall also be entitled to reimbursement for reasonable and necessary costs connected with state prisons or prisoners in connection with any crime committed at a state hospital for the care, treatment, and education of the mentally disordered, as specified, whether by a prisoner, employee, or other person.

Existing law provides that cities and counties are entitled to reimbursement from the state for expenses they have incurred with respect to state prisons or prisoners for specified crimes committed by, or hearings relating to, a prisoner at a state prison, and for prisoner costs relating to extradition, the coroner, and transportation, as specified.

This bill would provide that ~~all counties~~ *a county* shall be entitled to reimbursement from the state for reasonable and necessary costs incurred by the county with respect to inmates housed at ~~the any a~~ state hospital *in that county*, including, but not limited to, trial costs, medical costs, and transportation costs.

Existing law requires the county clerk to make out a statement of all mental health treatment costs incurred and a separate statement of all nontreatment costs incurred in certain additional judicial hearings involving extended commitments and continued involuntary treatment of certain prisoners, parolees, and outpatient defendants in order to seek reimbursement of those costs, as specified.

This bill would make reimbursable under this provision the mental health treatment costs and nontreatment costs incurred in hearings to determine if a prisoner is eligible for treatment by the state Department of Mental Health as a condition of parole, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4750 of the Penal Code is amended to
2 read:

3 4750. A city, county, or superior court shall be entitled to
4 reimbursement for reasonable and necessary costs connected
5 with state prisons or prisoners in connection with any of the
6 following:

7 (a) Any crime committed at a state prison, whether by a
8 prisoner, employee, or other person.

9 With respect to a prisoner, “crime committed at a state prison”
10 as used in this subdivision, includes, but is not limited to, crimes
11 committed by the prisoner while detained in local facilities as a
12 result of a transfer pursuant to Section 2910 or 6253, or in
13 conjunction with any hearing, proceeding, or other activity for
14 which reimbursement is otherwise provided by this section.

15 (b) Any crime committed by a prisoner in furtherance of an
16 escape. Any crime committed by an escaped prisoner within 10
17 days after the escape and within 100 miles of the facility from
18 which the escape occurred shall be presumed to have been a
19 crime committed in furtherance of an escape.

1 (c) Any hearing on any return of a writ of habeas corpus
2 prosecuted by or on behalf of a prisoner.

3 (d) Any trial or hearing on the question of the sanity of a
4 prisoner.

5 (e) Any costs not otherwise reimbursable under Section 1557
6 or any other related provision in connection with any extradition
7 proceeding for any prisoner released to hold.

8 (f) Any costs incurred by a coroner in connection with the
9 death of a prisoner.

10 (g) Any costs incurred in transporting a prisoner within the
11 host county or as requested by the prison facility or incurred for
12 increased security while a prisoner is outside a state prison.

13 (h) Any crime committed at a state hospital for the care,
14 treatment, and education of the mentally disordered, as specified
15 in Section 7200 of the Welfare and Institutions Code.

16 SEC. 2. Section 4758 is added to the Penal Code, to read:

17 ~~4758. All counties shall be entitled to reimbursement for~~
18 ~~reasonable and necessary costs incurred by the county with~~
19 ~~respect to inmates housed at all state hospitals, including, but not~~
20 ~~limited to, the following:~~

21 ~~(a) Any trial costs related to an inmate housed at all state~~
22 ~~hospitals.~~

23 ~~(b) Any medical costs related to an inmate housed at all state~~
24 ~~hospitals.~~

25 ~~(c) Any transportation costs related to an inmate housed at all~~
26 ~~state hospitals.~~

27 *4758. (a) A county shall be entitled to reimbursement for*
28 *reasonable and necessary costs incurred by the county with*
29 *respect to an inmate housed and treated at a state hospital in that*
30 *county pursuant to Section 2684, including, but not limited to, the*
31 *following:*

32 *(1) Any trial costs related to a crime committed at the hospital*
33 *by an inmate housed at the hospital.*

34 *(2) Any medical costs related to an inmate housed at the*
35 *hospital.*

36 *(3) Any transportation costs related to an inmate housed at the*
37 *hospital.*

38 *(b) Where an inmate referred for treatment to a state hospital*
39 *pursuant to Section 2684 commits a crime during transportation*
40 *from prison to the hospital, or commits a crime during*

1 *transportation from the hospital to the prison, a county that*
2 *prosecutes the defendant shall be entitled to reimbursement for*
3 *the costs of prosecution.*

4 SEC. 3. Section 4117 of the Welfare and Institutions Code is
5 amended to read:

6 4117. (a) Whenever a trial is had of any person charged with
7 escape or attempt to escape from a state hospital, whenever a
8 hearing is had on the return of a writ of habeas corpus prosecuted
9 by or on behalf of any person confined in a state hospital except
10 in a proceeding to which Section 5110 applies, whenever a
11 hearing is had on a petition under Section 1026.2, subdivision (b)
12 of Section 1026.5, Section 2972, or Section 2966 of the Penal
13 Code, Section 7361 of this code, or former Section 6316.2 of this
14 code for the release of a person confined in a state hospital, and
15 whenever a person confined in a state hospital is tried for any
16 crime committed therein, the appropriate financial officer or
17 other designated official of the county in which the trial or
18 hearing is had shall make out a statement of all mental health
19 treatment costs and shall make out a separate statement of all
20 nontreatment costs incurred by the county for investigation and
21 other preparation for the trial or hearing, and the actual trial or
22 hearing, all costs of maintaining custody of the patient and
23 transporting him or her to and from the hospital, and costs of
24 appeal, which statements shall be properly certified by a judge of
25 the superior court of that county and the statement of mental
26 health treatment costs shall be sent to the State Department of
27 Mental Health and the statement of all nontreatment costs shall
28 be sent to the Controller for approval. After approval, the
29 department shall cause the amount of mental health treatment
30 costs incurred on or after July 1, 1987, to be paid to the county
31 mental health director or his or her designee where the trial or
32 hearing was held out of the money appropriated for this purpose
33 by the Legislature. In addition, the Controller shall cause the
34 amount of all nontreatment costs incurred on and after July 1,
35 1987, to be paid out of the money appropriated by the
36 Legislature, to the county treasurer of the county where the trial
37 or hearing was had.

38 (b) Whenever a hearing is held pursuant to Section 1604,
39 1608, 1609, or 2966 of the Penal Code, all transportation costs to
40 and from a state hospital or a facility designated by the

1 community program director during the hearing shall be paid by
2 the Controller as provided in this subdivision. The appropriate
3 financial officer or other designated official of the county in
4 which a hearing is held shall make out a statement of all
5 transportation costs incurred by the county, which statement shall
6 be properly certified by a judge of the superior court of that
7 county and sent to the Controller for approval. The Controller
8 shall cause the amount of transportation costs incurred on and
9 after July 1, 1987, to be paid to the county treasurer of the county
10 where the hearing was had out of the money appropriated by the
11 Legislature.

12 As used in this subdivision the community program director is
13 the person designated pursuant to Section 1605 of the Penal
14 Code.